HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 288 of 2001
(Old No. 4339 of 2000)

Smt. Manju Rani Bhargava wife of Sri Ashok Kumar 147-A Ranjeet Nagar, Bharatpur, Rajsthan.

..Applicant

Versus

1. State of U.P.
2. Har Narain son of Seetal Dass
   R/o Anusari Marg, P.S. Kotwali
   Dehradun.

.....Respondents

Dated: 29.11.06

Hon'ble Rajesh Tandon, J.

Heard Sri Sharad Sharma counsel for the applicants and learned A.G.A. for the respondents.

By the present application under section 482 Cr.P.C. the petitioner has prayed for quashing of the proceedings of Criminal Case No. 1005 of 1995, Har Narain vs. Manju Rani pending in the Court of Chief Judicial Magistrate, Dehradun.

Briefly stated respondent no. 2 Har Narain has filed a complaint against the applicant in the Court of Chief Judicial Magistrate, Dehradun. After recording the statement of the complainant under section 200 and his witnesses under section 202 Cr.P.C. the learned Magistrate took cognizance under section 147, 323, 427, 504 and 506 I.P.C. and issued notice to the applicant.

So far as the instant petition under section 482 Cr.P.C. is concerned no interference can be made under section 482 Cr.P.C. as both the parties will be at liberty to lead the evidence

in view of the observations made by the Apex Court in the case Medchl Chemicals and Pharma (P) Ltd. vs. Biological E. Ltd. and others (2003) 3 SCC 269.

Since the trial has to take place on the basis of complaint for the offences under aforesaid sections, therefore, without expressing any opinion on the merits of the case, I direct the applicant to appear before the Magistrate concerned and the court will permit him to file appearance bond to the satisfaction on the Magistrate concerned for his regular appearance in the case.

Subject to the observations made above, application under Section 482 Cr.P.C. is dismissed.

Rajesh Tandon, J.

Dated: 29.11.2006
*Dhyani